UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/579,447	05/16/2006	Ikue Yamashita	2785420070000	8452

25225 7590 06/29/2009

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

EXAMINER	
WANG-HURST, KATHY W	

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
06/29/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/579,447	YAMASHITA ET AL.	
	Examiner	Art Unit	
	KATHY WANG-HURST	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 May 2009*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-4* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-4* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/15/2009 has been entered.

Claim Rejections - 35 USC § 112

2. Applicant's arguments, see page 4 of "Remarks", filed 5/15/2009, with respect to claim 1 have been fully considered and are persuasive. The rejection of 112 has been withdrawn.

Response to Amendment

3. Claims 1 and 4 have been amended. Claims 1-4 are still pending for examination.

Response to Arguments

4. Applicant's arguments filed 5/15/2009 have been fully considered but they are not persuasive.

The applicants argued features wherein the a mobile device, which has multiple functions associated with two states: the open state and closed state, detects the open/closed state of the phone and key impression, and operates the phone such as

locking and unlocking functions based on the detection, read upon Hansen in view of A5306ST Instruction Manual, as follows.

Hansen discusses a communication unit that has two states: open and closed state, and there are keys that are operable when the unit is open or closed and soft keys that lock and unlock the unit. Thus Hansen shows the limitation of "a mobile communication device having an openable/closable cover, a plurality of operation units that are operable regardless of whether the cover is opened or closed, and a locking function for disabling processing associated with operation of the operation units". Hansen discusses the commnicaiton unit having a sliding cover to open or close the unit. Thus Hansen shows the limitation of "an opened/closed detection unit operable to detect an opened/closed state of the cover". Hansen discusses a controller detecting the slide has been close and the left soft key is pressed and the user is pressing a key to perform a predetermined function. Thus Hansen shows the limitation of "a judging unit operable to judge whether a predetermined operation has been performed on at least one of the operation units with the cover in a closed state and the locking function enable". Hansen discusses the controller detecting a soft key is pressed when the slide is closed and locking function is enabled, the locking function is cancelled. Thus Hansen shows the limitation of "an operation control unit operable, when the judging unit has judged in the affirmative, to enable processing associated with operation of at least one of the operation units by temporarily canceling the locking function.

Therefore, the argued limitations read upon the cited references or are written broad such that they read upon the cited references, as follow.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 1 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hansen (US6370362), in view of A5306ST Instruction Manual, herein after referred as Instruction Manual, cited by applicant's IDS.

Regarding claim 1, Hansen discloses a mobile communication device having an openable/closable cover, a plurality of first operation units that are operable regardless of whether the cover is opened or closed, a plurality of second operation units that are operable only when the case is opened, and a locking function for disabling processing associated with operation of the operation units (see e.g. col. 4 lines 3-25 and Fig. 1, 2 and 10, multiple keys that perform multiple functions when the cover is open or closed), comprising: an opened/closed detection unit operable to detect an opened/closed state of the cover (col. 2 lines 30-43 and col. 7 lines 5-12); a judging unit operable to judge whether a predetermined operation has been performed on at least one of the operation units with the cover in a closed state and the locking function enabled (col. 7 lines 5-12, a soft key is pressed when the slide cover is closed and locking function enabled), an operation control unit operable, when the judging unit has judged in the affirmative, to enable processing associated with operation of at least one of the operation units by

temporarily canceling the locking function (at least see col. 7 lines 5-30, pressing a left soft key when the slide cover is closed and locking function is enabled causes the locking function to be cancelled).

Hanson teaches a sliding openable and closable cover but fails to teach openable and closable case. Instruction Manual teaches openable and closable case (see figures on page 6).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the structure of the mobile phone by changing the sliding openable and closable cover to an openable and closable case, as taught by Instruction Manual, thus allowing user to flip the phone open instead of sliding, and thus making the mobile phone more user-friendly.

Regarding claim 4, Hansen discloses a method for controlling a mobile communication device having an openable/closable cover, a plurality of operation units that are operable regardless of whether the cover is opened or closed, and a locking function for disabling processing associated with operation of the operation units (col. 4 lines 3-25 and Fig. 1, 2 and 10, multiple keys that perform multiple functions when the cover is open or closed), comprising the steps of: detecting an opened/closed state of the cover (col. 2 lines 30-43 and col. 7 lines 5-12); judging whether a predetermined operation has been performed on at least one of the operation units with the cover in a closed state and the locking function enabled(col. 7 lines 5-12); when the judging unit has judged in the affirmative, enabling processing associated with operation of at least one of the operation units by temporarily canceling the locking function (col. 7 lines 5-

30, pressing a left soft key when the slide cover is closed and locking function is enabled causes the locking function to be cancelled).

Hanson teaches a sliding openable and closable cover but fails to teach openable and closable case. Instruction Manual teaches openable and closable case (see figures on page 6).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the structure of the mobile phone by changing the sliding openable and closable cover to an openable and closable case, as taught by Instruction Manual, thus allowing user to flip the phone open instead of sliding, and thus making the mobile phone more user-friendly.

Regarding claim 2, Hansen discloses the mobile communication device wherein the operation control unit disables the enabled processing associated with operation of the at least one operation unit, if the at least one operation unit is not operated within a predetermined time period or if the cover is opened (col. 7 lines 5-12, when user does not do anything for more than 3 seconds the display will turn to idle mode).

Hanson teaches a sliding openable and closable cover but fails to teach openable and closable case. Instruction Manual teaches openable and closable case (see figures on page 6).

Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the structure of the mobile phone by changing the sliding openable and closable cover to an openable and closable case, as

taught by Instruction Manual, thus allowing user to flip the phone open instead of sliding, and thus making the mobile phone more user-friendly.

Regarding claim 3, combination of Hansen and Instruction Manual discloses the mobile communication device having a main screen operable to display information with the case in an opened state and a sub-screen operable to display information with the case in a closed state, wherein the first operation units include an operation unit provided on a same surface as the sub-screen and a side key provided on a main body lateral surface, and processing associated with operation of the operation unit provided on the same surface as the sub-screen is disabled when the lock function is enabled.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KATHY WANG-HURST whose telephone number is (571) 270-5371. The examiner can normally be reached on Monday-Thursday, 7:30am-5pm, alternate Fridays, EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571) 272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/KATHY WANG-HURST/
Examiner, Art Unit 2617

/NICK CORSARO/
Supervisory Patent Examiner, Art Unit 2617